

FIFTH CONGRESS OF MICRONESIA

Public Law 5-52

FIRST REGULAR SESSION, 1973

(S.B. 89; S.D.1)

## AN ACT

To provide for certain care and benefits to the people of Rongelap and Utirik Atolls exposed to the March 1, 1954, H-Bomb fallout; to provide for care and benefits to certain other people from Rongelap and Utirik, and for other purposes.

## BE IT ENACTED BY THE CONGRESS OF MICRONESIA:

- 1           Section 1. Short title. This act is known and may be cited  
2   as the Trust Territory Fallout Survivors Act.
- 3           Section 2. Statement of intent. As a result of the March 1,  
4   1954, "Bravo" shot of the Castle Test Series conducted by Joint  
5   Task Force Seven at Bikini Atoll, 82 Rongelapese, 157 Utirikese,  
6   23 Japanese fishermen, and 28 American servicemen were exposed  
7   to radioactive fallout which contaminated their places of  
8   habitation. It is thus the sense of the Congress of Micronesia  
9   that the exposed Rongelapese and Utirikese represent unique  
10   groups of people in the Trust Territory because of their experience.  
11   It is the further sense of the Congress that because of the special  
12   and unique effects of radiation which, in the case of the Rongelapese,  
13   have been manifested in cases of thyroid nodules, thyroid cancer, one  
14   possible case of leukemia, and other effects -- that these people  
15   should be accorded special care and treatment by the Trust  
16   Territory Government in order to preserve and protect their health.  
17   Finally, it is also the sense of the Congress, that examination  
18   of these exposed people requires the examination of nonexposed  
19   persons; that the health of these nonexposed persons must be  
20   maintained at the same level as those exposed; and that these  
21   nonexposed persons as provided for in this act should also be  
22   entitled to the same care and benefits as exposed persons.

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Section 3. Definitions. In this act, unless the context otherwise requires, the following definitions shall apply:

(1) "Exposed person" means any Micronesian citizen who was on Rongelap Atoll, Ailinginae Atoll, or Utirik Atoll on March 1, 1954, or who was born within ten months after that date.

(2) "Descendents of exposed persons" means children whose mother or father was an exposed person.

(3) "Control" means those persons now living in the Marshall Islands District who were not exposed to fallout from the March 1, 1954, test, but who agree as hereinafter provided in this act, to be examined and tested in like manner as exposed persons.

Section 4. Benefits. The care and benefits provided by the Trust Territory for the exposed persons, descendants of exposed persons, and control persons shall be:

(1) Transportation from their place of residence to the hospital on Majuro, or Ebeye when that facility is completed, and return to their place of residence. Transportation for one immediate member of the family of the person will also be provided at no expense.

(2) Per diem at standard Trust Territory rates will be provided to the person requesting examination and also to the one person allowed to accompany him. The office of the District Director of Health Services shall be responsible for assisting such persons in securing their proper per diem.

1           (3) Housing at no cost to such persons shall be  
2 provided by the Marshall Islands District Government when such  
3 persons are in Majuro or Ebeye for examination or treatment;  
4 PROVIDED, HOWEVER, that this Section shall not be construed  
5 to require such persons to live in government housing should  
6 they choose to make their own housing arrangements.

7           (4) Free medical care including medication, treatment,  
8 and hospitalization shall be accorded to such persons.

9           Section 5. Record of expenses. The District Director of  
10 Health Services and the District Director of Finance shall be  
11 responsible for maintaining records of all expenses incurred  
12 under the provisions of this act and the District Director of  
13 Health Services shall provide a quarterly report of the expenses  
14 to the Office of the High Commissioner, the Office of the Legislative  
15 Counsel of the Congress of Micronesia, and to the Director of the  
16 Department of Health Services of the Trust Territory. The annual  
17 expenses incurred under the provisions of this act shall be defrayed  
18 as provided for in Section 10 of this act.

19          Section 6. Procedures. The persons mentioned in Section 3  
20 of this act shall initiate their request for transportation to a  
21 hospital facility with the health aide or other representative of  
22 the Trust Territory Department of Health Services. If a field  
23 trip vessel is at the island, the health aide, if he believes the  
24 request is valid, shall so advise the doctor aboard or the master  
25 of the ship in lieu of a doctor. If the health aide is not on the

1 island, the person should ask the magistrate, council member,  
 2 school teacher or other recognized community leader to act  
 3 in his behalf. This Section shall not be construed to allow  
 4 persons the aforesaid benefits if the ailment or complaint  
 5 could have been treated at the person's place of residence,  
 6 by the health personnel available. It should further not be  
 7 construed to require the rerouting of ships or planes for  
 8 minor ailments or complaints which can be treated on the  
 9 island; PROVIDED, HOWEVER, that an exposed, descendant of  
 10 an exposed, or a control person who has a serious and acute  
 11 complaint, illness, or accident shall be transported in a like  
 12 manner as any other emergency patient.

13 Section 7. Handbook. The Department of Health Services,  
 14 the District Office of Health Services and the Special Joint  
 15 Committee Concerning Rongelap and Utirik Atolls, in conjunction  
 16 with the Brookhaven National Laboratory, shall cause to be  
 17 created and reproduced a handbook to be given to exposed,  
 18 descendants of exposed, and control persons. Said handbook  
 19 shall contain, but not be limited to, the following information:  
 20 Exposed or nonexposed status, date of birth, sex, name and Brookhaven  
 21 National Laboratory case number of the person. Space shall also be  
 22 provided for a record of medical examinations and findings in the  
 23 Marshallese language.

24 Section 8. Eligibility. Exposed persons and descendants of  
 25 exposed persons are automatically eligible for the benefits provided

1 under this act. Control persons shall become eligible only upon  
2 signing a written agreement in both Marshallese and English  
3 which provides that said person will become eligible for the  
4 aforementioned benefits only if he or she agrees to act as a  
5 control person. The District Director of Health Services shall  
6 be responsible for drafting said agreement in conjunction with  
7 the Director of the Department of Health Services and Brookhaven  
8 National Laboratory. All persons who are transported to Majuro  
9 or Ebeye for examination under the provisions of this act shall  
10 sign a statement prior to leaving their home island, agreeing to  
11 submit to a complete medical examination, which shall include, but  
12 not be limited to a blood test.

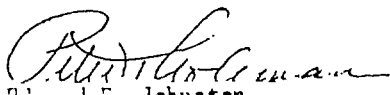
13 Section 9. Enforcement. The Director of the Marshall Islands  
14 District Health Services shall be nominally responsible for carrying  
15 out and enforcing the provisions of this act, but may, at his  
16 discretion, confer with other district officials, the Department of  
17 Health Services and the Special Joint Committee or the presiding  
18 officers of the Congress of Micronesia. The District Director  
19 shall insure that those eligible receive the full benefits provided  
20 under this act and shall insure that those persons visiting the  
21 district center hospital, or other medical facility, are returned  
22 to their home island as soon as is appropriate to their condition,  
23 within the constraints of normal ship schedules. The District  
24 Director shall also include in his quarterly report any and all  
25 flagrant or continuous abuses or violations of the intent of this act.

1 Continued abuse of the privileges and benefits of this act may  
2 result in temporary or permanent suspension of the offender  
3 from eligibility. A petition to suspend eligibility will be  
4 presented by the District Director of Health Services to the  
5 Marshall Islands delegation of the Congress of Micronesia.  
6 Decisions of the Marshall Islands delegation shall be final.

7 Section 10. The Office of the High Commissioner is directed  
8 to seek an executive agreement with the Atomic Energy Commission  
9 whereby the expenses incurred under the provisions of this act  
10 will be defrayed either directly or on a reimbursable basis by  
11 the Atomic Energy Commission and report his findings to the  
12 Congress of Micronesia no later than thirty days after the  
13 effective date of this act.

14 Section 11. Effective date. This act shall take effect upon  
15 the approval by the High Commissioner, or upon its becoming law  
16 without such approval.

April 11, 1973

  
Robert H. Johnston  
High Commissioner  
Trust Territory of the Pacific Islands